

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :
Plaintiff, : Case Nos. 3:10-cr-210, 3:13-cv-414
v. : JUDGE WALTER H. RICE
GEORGE BILLINGSLEY, :
Defendant. :

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #789) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #803) IN
THEIR ENTIRETY; OVERRULING DEFENDANT'S OBJECTIONS TO
REPORT AND RECOMMENDATIONS (DOC. #801), AND REQUEST
FOR EVIDENTIARY HEARING; OVERRULING DEFENDANT'S MOTION
UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE (DOC. #788); JUDGMENT TO ENTER IN FAVOR OF
PLAINTIFF AND AGAINST DEFENDANT; OVERRULING ANTICIPATED
MOTION FOR CERTIFICATE OF APPEALABILITY AND LEAVE TO
APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

On December 13, 2013, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations (Doc. #789), recommending that the Court dismiss with prejudice Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (Doc. #788), and deny a certificate of appealability. After being granted an extension of time, Defendant filed Objections to the Report and Recommendations (Doc. #801). The Court recommitted the matter to Magistrate Judge Merz, who filed a Supplemental Report and Recommendations

(Doc. #803) on February 19, 2014. Although Defendant was notified of his right to file Objections to the Supplemental Report and Recommendations, and of the consequences for failing to do so, no Objections have been filed within the time allotted.

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his December 13, 2013, Report and Recommendations (Doc. #789), and his February 19, 2014, Supplemental Report and Recommendations (Doc. #803), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filings in their entirety. Defendant's Objections to the December 13, 2013, Report and Recommendations (Doc. #801) are OVERRULED, as is his request for an evidentiary hearing.

Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence (Doc. #788) is DISMISSED WITH PREJUDICE.

Given that Defendant has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Defendant is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Plaintiff and against Defendant.

The captioned cases are hereby ordered terminated upon the docket records
of the United States District Court for the Southern District of Ohio, Western
Division, at Dayton.

Date: March 17, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE